

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., an Oregon corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity,

Plaintiffs,

v.

FOREVER 21 INC., a Delaware corporation, et al.,

Defendants.

No. 3:17-cv-00377-YY

PERMANENT INJUNCTION AGAINST DEFENDANT URBAN NATION APPAREL INC., ON CONSENT

Having considered the Second Amended Complaint on file in this action, and Defendant Urban Nation Apparel Inc. (“Urban Nation”) having consented to the terms of the permanent injunction set forth below, this Court hereby finds as follows:

1. Plaintiffs adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, “adidas” or “Plaintiffs”) own and use the Three-Stripe trademark (the “Three-Stripe Mark”), which is covered by numerous valid U.S. Trademark Registrations, including Registration Nos. 870,136, 961,353, 1,815,956, 1,833,868, 2,016,963, 2,058,619, 2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,063,742, 3,063,745, 3,087,329, 3,183,656, 3,183,663, 3,236,505, 3,842,177, 3,846,203 and 4,910,643.

2. On October 13, 2017, adidas filed its Second Amended Complaint in this action, claiming, *inter alia*, that Urban Nation was designing, sourcing, manufacturing, distributing,

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marketing, promoting, offering for sale, and/or selling the apparel depicted below, which adidas alleges bears a confusingly similar imitation of adidas's federally registered Three-Stripe Mark (the "Disputed Apparel") :



3. Urban Nation accepted service of the Summons and Second Amended Complaint on January 9, 2018, but has not yet filed an Answer or any other pleading in response to the Second Amended Complaint.

4. The Court has jurisdiction over the subject matter of this action and, for purposes of this action and with the consent of Urban Nation, over Urban Nation, and venue in this action is proper in this judicial district.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Urban Nation and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Urban Nation, or in concert or participation with Urban Nation, and each of them, are **PERMANENTLY ENJOINED and RESTRAINED**, from:

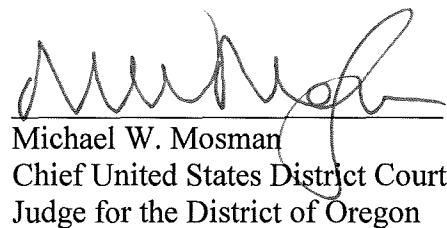
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- a. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling the Disputed Apparel; and
 - b. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling any other apparel bearing the Three-Stripe Mark or any other confusingly similar imitation of adidas's Three-Stripe Mark, such that it is likely to cause confusion about the source of the goods under the factors set forth in *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341 (9th Cir. 1979). By way of illustration, but not limitation, "confusingly similar to the Three-Stripe Mark" includes (1) the Three-Stripe Mark with one additional stripe (i.e., four stripes), or (2) the Three-Stripe Mark less one of the three stripes (i.e., two stripes).
2. This Court shall have continuing jurisdiction to enforce the provisions of the permanent injunction entered herein.

3. The Clerk shall enter final judgment for Plaintiffs as to all claims asserted against Urban Nation in adidas's Second Amended Complaint, with Plaintiffs and Urban Nation each bearing its own costs, including attorneys' fees.

IT IS SO ORDERED.

This 22 day of March, 2018.



Michael W. Mosman
Chief United States District Court
Judge for the District of Oregon